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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

National Fair Housing Alliance, Inc.; Fair
Housing of Marin, Inc.; Fair Housing Napa
Valley, Inc.; Metro Fair Housing Services,
Inc.; and Fair Housing Continuum, Inc.,

Plaintiffs,

v.

A.G. Spanos Construction, Inc.; A.G.
Spanos Development, Inc.; A. G. Spanos
Land Company, Inc.; A.G. Spanos
Management, Inc.; The Spanos
Corporation and Knickerbocker Properties,
Inc. XXXVIII; and Highpointe Village,
L.P. Individually and As Representatives of
a Class of All Others Similarly Situated,

Defendants.

Case No. C07-3255 (SBA)

**AMENDED NOTICE OF MOTION
AND MOTION OF DEFENDANT
HIGHPOINTE VILLAGE, L.P. TO
DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT FOR
FAILURE TO STATE A CLAIM UPON
WHICH RELIEF MAY BE GRANTED**

[FED. RULE CIV. PROC. 12(b)(6)]

Date: March 11, 2008
Time: 1:00 p.m.
Dept: Courtroom 3
Judge: Hon. Sandra Brown Armstrong

Complaint Filed: June 20, 2007
Amended Complaint Filed: October 12, 2007

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on **March 11, 2008**, at **1:00 p.m.**, or as soon thereafter as the matter may be heard in the above-entitled court, located at 1301 Clay Street, 3rd Floor, Courtroom 3, Oakland, California, Defendant Highpointe Village, L.P. ("Highpointe") will and does hereby move pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an Order dismissing the claims of Plaintiffs National Fair Housing Alliance, Inc., Fair Housing of Marin, Inc., Fair Housing Napa Valley, Inc., Metro Fair Housing Services, Inc., and Fair Housing Continuum, Inc. (collectively, "Plaintiffs") against Highpointe.

This Motion is made on the grounds that Plaintiffs' claim against Highpointe fails to state a claim upon which relief may be granted. Plaintiffs' claim for alleged violations of the accessibility requirements of the Fair Housing Act, as amended in 1988 (the "FHA"), on which Plaintiffs base their claim for injunctive relief against Highpointe, is barred by the two-year statute of limitations. *See, e.g.*, 42 U.S.C. § 3613(a)(1)(A). Additionally, Plaintiffs' have failed to allege facts sufficient to state a cause of action under the FHA, which is necessary to support their claim for injunctive relief. Further, Plaintiffs have failed to allege facts sufficient to show standing.

This Motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities and Request for Judicial Notice previously filed and served on December 21, 2007 in support of this Motion, the complete file and records of this action, and such other oral and documentary evidence as may be presented at the hearing on this Motion.

Dated: January 9, 2008

STEEFEL, LEVITT & WEISS
A Professional Corporation

By: /s/

Shirley E. Jackson
Attorneys for Defendant HIGHPOINTE
VILLAGE, L.P.